

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TERRENCE J. WHITE,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. 1:09-CV-00151-WSD
)	
THURBERT E. BAKER, et al.,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER TO
PREVENT THE REMOVAL OF TERRENCE J. WHITE FROM HIS
HOME AND EMPLOYMENT**

Plaintiff, pursuant to Federal Rules of Civil Procedure Rule 65, moves this Court to enter a Temporary Restraining Order (“TRO”) prohibiting the State and the Sheriff of Clayton County Georgia, including his agents, officers and employees, from enforcing O.C.G.A. § 42-1-15(b) and (c)(1) as to the First Christian Church of Forest Park with regard to Plaintiff. This TRO is necessary to prevent Defendants from violating Plaintiff’s rights under the Fourteenth Amendment. Plaintiff will suffer irreparable harm by being forced to move from his current residence and leave his current job.

In support of this Motion, Plaintiff relies upon the Declaration of Terrence J. White, Declaration of Elizabeth G. Eager, and Memorandum of Law in Support of

Motion for Temporary Restraining Order to Prevent the Removal of Terrence J. White from His Home and Employment filed in support of this Motion filed concurrently herewith. Through these materials, Plaintiff will demonstrate:

1. Plaintiff has a substantial likelihood of prevailing on the merits of at least one of his claims;
2. Plaintiff will suffer irreparable harm unless a Temporary Restraining Order is granted;
3. The threatened injury to the plaintiff outweighs whatever harm a restraining order may cause the Defendants; and
4. The grant of a temporary restraining order would not adversely affect the public interest.

Accordingly, Plaintiff's Motion for a Temporary Restraining Order should be granted and Defendants should be enjoined from enforcing the residency and employment restrictions against Plaintiff under O.C.G.A. § 42-1-15(b) and (c)(1) as to Plaintiff and the First Christian Church at Forest Park. The Attorney General's Office and Clayton County Sheriff's Office are receiving notice of the instant motion.

Respectfully submitted, this 22nd day of April, 2009.

/s/ Elizabeth G. Eager
Emmet J. Bondurant
Georgia Bar No. 066900
bondurant@bmelaw.com
Nicole G. Iannarone
Georgia Bar No. 382510

iannarone@bmelaw.com

Elizabeth G. Eager

Georgia Bar No. 644007

eager@bmelaw.com

BONDURANT, MIXSON & ELMORE, LLP

3900 One Atlantic Center

1201 West Peachtree Street, N.W.

Atlanta, Georgia 30309-3417

Telephone: (404) 881-4100

Facsimile: (404) 881-4111

COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed this Plaintiff's Motion for Temporary Restraining Order to Prevent the Removal of Terrence J. White from his Home and Employment with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Joseph Drolet, Esq.
Paige Boorman, Esq.
Office of the Attorney General
40 Capitol Square
Atlanta, Georgia 30334
COUNSEL FOR The State

In addition, a copy of the foregoing was provided via certified mail and facsimile to:

Sheriff Kemuel A. Kimbrough
Clayton County Sheriff
Harold R. Banke Justice Center
9157 Tara Boulevard
Jonesboro, GA 30236
Facsimile: (678) 479-5358

This 22nd day of April, 2009.

/s/ Elizabeth G. Eager

Elizabeth G. Eager
Georgia Bar No. 644007